

New Cassel/Hicksville Ground Water Contamination Superfund Site  
Located in Towns of Hempstead, North Hempstead and Oyster Bay, Nassau County, NY

**RESPONSE TO REQUEST FOR INFORMATION**

Objections

GENERAL OBJECTIONS

1. Adchem Corporation (“Adchem”) hereby objects to EPA’s request for information as unduly burdensome, unreasonable, and unduly costly to comply with. Accordingly, Adchem qualifies its answers as the best possible, based on information available to date, and answers questions seeking detail in a level of detail appropriate to the information available to it now, and based on reasonable inferences from the known evidence.
2. Adchem hereby objects to EPA’s request for information insofar as it seeks disclosure of communications, or information contained in communications, that is privileged or confidential by reason of common law, statute, or otherwise, including but not limited to attorney-client privilege.
3. Adchem objects to the Request for Information and the Address List for the same, on the ground that neither Adchem, nor any other entity with which Adchem has had any relationship, has ever had any ownership interest in 89 Frost Street, nor were any volatile organic compounds or other hazardous materials used or disposed of by Adchem at 89 Frost Street.
4. Adchem answers each request for information without waiving any objection based on grounds of relevancy, privilege, or any other grounds. Adchem further sets forth specific objections below for purposes of clarity and specificity, but generally objects to all questions to the extent they:
  - a. Are unduly burdensome or unreasonable;
  - b. Seek information not in Adchem's possession, custody, or control;
  - c. Seek information that is not relevant or material to the Site;
  - d. Seek information which is privileged by reason of attorney work product, attorney-client communication, materials prepared in anticipation of litigation, or subject to any other applicable privilege;
  - e. Seek information without clearly defining the scope of disclosure to a relevant and defined scope, including temporal in scope;
  - f. Seek information that is a trade secret, or otherwise proprietary business information;
  - g. Seek information already provided in the answers to EPA’s information request below, including any duplicative requests for identification of persons with knowledge relating to the answers to EPA’s information request, or requests for documents relevant to specific answers to EPA’s information request;

- h. Seek information not relevant to the Site, including requests relating to properties within the Site which have not contributed to the designation of the Site on the National Priorities List;
- i. Seek information at a premature time given that discovery, including expert discovery, is ongoing in a litigation related to a Property within the Site; or
- j. Are subject to any further objection, which Adchem Corp. reserves the right to assert at a later time.

## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

### A. Directions

1. *A complete and separate response should be given for each question.*
2. *Identify each answer with the number of the question to which it is addressed.*
3. *For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it applies.*
4. *In preparing your response to each question, consult with all present and former employees and agents of your company whom you have reason to believe may be familiar with the matter to which the question pertains.*
5. *In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.*
6. *If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.*
7. *If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.*
8. *If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.*
9. *If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.*
10. *If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.*

## B. Definitions

1. *The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside of their scope.*
2. *The term "arrangement" means every separate contract or other agreement between two or more persons.*
3. *As used herein, and unless otherwise stated, the term "Company" refers to the addressee of this letter or any company, partnership, business, and/or other entity related in any way to the addressee. The term refers to the Company as it is currently constituted, as well as all predecessors and successors in interest of the Company and all subsidiaries, divisions, affiliates, and branches of the Company or of its predecessors or successors.*
4. *The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, and electronic communications, including by way of illustration and not by way of limitation any email, letter, memorandum of conversations, meetings, or intra-office communication, and any agreements, contracts, invoices, bills of lading and manifests.*
5. *As used herein, the term "Facility" shall mean the Company's facility located in the area of the New Cassel/Hicksville Ground Water Contamination Superfund Site, in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York.*
6. *As used herein, the term "industrial waste" shall mean any solid, liquid or sludge or any mixture thereof which possesses any of the following characteristics:*
  - a. *it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);*
  - b. *it is a "hazardous waste" as defined in 42 U.S.C. § 6903(5);*
  - c. *it has a pH less than 2.0 or greater than 12.5;*
  - d. *it reacts violently when mixed with water;*
  - e. *it generates toxic gases when mixed with water;*
  - f. *it easily ignites or explodes;*
  - g. *it is an industrial waste product;*
  - h. *it is an industrial treatment plant sludge or supernatant;*
  - i. *it is an industrial byproduct having some market value;*
  - j. *it is coolant water or blowdown waste from a coolant system;*
  - k. *it is a spent product which could be reused after rehabilitation; or*
  - l. *it is any material which you have reason to believe would be toxic if ingested,*

*inhaled or placed in contact with your skin.*

7. *The term "identify" with respect to a natural person means to set forth the person's name, present and/or last known business address and business telephone number, present and/or last known home address and home telephone number, and present and/or last known job title, position, or business.*
8. *The term "identify" with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) means to set forth its full name, address, legal form (corporation, partnership, etc.), organization, if any, and a brief description of its business.*
9. *The term "identify" with respect to a document means to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.*
10. *The term "NCIA" shall mean and include Property within the New Cassel Industrial Area, which is delineated on the enclosed Site Location Map, Figure 2 - 1.*
11. *As used herein the term "person" shall have the meaning set forth in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).*
12. *As used herein, the term "the Property" shall mean and include any property within the Site that your Company either: (1) presently owns or formerly owned at any time or (2) at which your Company presently operates or formerly operated a Facility at the Site.*
13. *The term "Site" shall mean and include the Facility and any Property within the New Cassel/Hicksville Ground Water Contamination ("NCHGWC") Superfund Site. The NCHGWC Site comprises a widespread area of ground-water contamination which is located in the Towns of Hempstead, North Hempstead and Oyster Bay, New York. See enclosed Site Description and Site Location Map.*
14. *All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or the Resource Conservation and Recovery Act, in which case the statutory definitions shall apply.*

## Objections

Adchem objects to the foregoing definitions as overbroad, unreasonable, and contrary to law, and seeking information that is not in Adchem's custody or control.

Adchem objects to the foregoing definitions on the ground that the application of the various definitions renders the requests overly broad and vague.

Specifically, Adchem objects to EPA's definition of the term "Company", as overbroad and contrary to New York State law regarding the corporate form. Adchem also objects to EPA's definition of "industrial waste" as overly broad and vague.

## REQUEST FOR INFORMATION

1. a. *State the correct legal name and mailing address of your Company.*

**Response:**

- a. Adchem Corporation, 1852 Old Country Road, Riverhead, NY 11901.
- b. *State the name(s) and address(es) of the President, Chief Executive Officer and the Chairman of the Board (or other presiding officer) of the Company).*

**Response:**

- b. President & CEO – John Pufahl  
Chairman of the Board – n/a
- c. *Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation, and in New York State.*

**Response:**

- c. Adchem Corporation (“Adchem”) was incorporated on February 19, 1965 in New York State. See Exhibit A, Adchem Certificate of Incorporation and ancillary documents (AA03554-91). Adchem’s agent for service of process in New York is Robert Pufahl, Adchem Corporation, 1852 Old Country Road, Riverhead, NY 11901; Adchem’s agent for service of process for all matters related to the Site is Daniel Riesel, Sive, Paget & Riesel, P.C., 460 Park Avenue, 10<sup>th</sup> Floor, New York, NY 10022.
- d. *If your Company is a subsidiary or affiliate of another corporation or entity, identify each of those other corporations or entities and for each, the President, Chief Executive Officer and Chairman of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation, and in New York State.*

**Response:**

- d. Adchem Corp. is not a subsidiary or affiliate of any other corporation or entity.
- From 1984 through 1992, a separate corporation, Adchem Industries, Inc., was in existence and was based at 1852 Old Country Road, Riverhead, New York. At that time, Adchem Corp. was headquartered at 625 Main Street, Westbury, New York. In

1992, Adchem Industries merged with Adchem Corp. See Exhibit A.

The original shareholders, officers and directors of Adchem Corporation – Joseph Pufahl, Charles Pufahl, and Herman Pufahl (the “Pufahl Brothers”) – at various times were also shareholders, officers and directors of the following corporate entities. Without waiving Adchem’s objection to the overly broad definition of “Company” in paragraph 3 of the Definitions section above, Adchem identifies the following entities in which the Pufahl Brothers possessed an interest that may have leased, owned or operated at a Property within the Site:

- Lincoln Processing Corp.;
- Northern State Realty Corp., f/k/a/ Pufahl Realty Corp.;
- Northern State Realty Co.;
- Lincoln Laminating Corp.;
- Laminar Fabrics Corp.;
- JCH Machinery Corp.;
- 3P’s Leasing Corp.; and
- Long Island Computer Services, Inc.

None of the above entities (the “Non-Adchem Entities”) had a parent/subsidiary or corporate affiliate relationship with Adchem Corp. Adchem is not the successor to any of the Non-Adchem Entities. Adchem and each of the Non-Adchem Entities were separately incorporated and separately capitalized, had separate accounts and books, had separate business functions, had separate pension plans (for those entities that had pension plans), had their own employees and payroll, filed taxes separately, observed all corporate formalities, and, where it had business dealings with the other Non-Adchem Entities, dealt with those entities at arm’s-length and reimbursed them for their services. From approximately 1965 until approximately January 1971, Adchem and the Non-Adchem Entities had the same officers and directors. In approximately January 1971, John Pufahl purchased one-quarter of the stock of Adchem Corp. and became an officer and director of Adchem Corp. See Exhibit B., Minutes of a Special Meeting of the Board of Directors of Adchem Corp., Jan. 7, 1971.

From approximately the time of incorporation of each of the Non-Adchem Entities until their dissolution, the Pufahl Brothers were the sole shareholders of the Non-Adchem Entities, with the exceptions of Laminar Fabrics, which was purchased by the Pufahl Brothers in approximately 1963, and Lincoln Processing, which had an additional shareholder in its early years. See Exhibit C, Lincoln Processing tax returns for fiscal years ending June 30, 1962, June 30, 1963, and June 30, 1964 (listing shareholders of Lincoln Processing in 1962 and 1963 but not 1964 as the Pufahl Brothers and Louis Weissblatt). At the time of incorporation of Adchem, the shareholders of Adchem were the minor children of the Pufahl Brothers (the Pufahl

Brothers; in 1967, the stock in Adchem held by the minor children of the Pufahl Brothers was converted to non-voting preferred stock, and the Pufahl Brothers purchased shares of the voting common stock. See Exhibit D, Minutes of a Special Meeting of the Shareholders of Adchem Corp., Mar. 31, 1967. In 1975, John and Joseph Pufahl purchased the shares of Charles and Herman Pufahl in Adchem Corp. See Exhibit E, Minutes of a Joint Special Meeting of the Stockholders and Board of Directors of Adchem Corp., June 23, 1975.

Below is additional information regarding the Non-Adchem Entities.

Lincoln Processing Corp.:

Lincoln Processing Corp. is a dissolved corporation. It was incorporated in New York as a corporation in June 1961, and dissolved in approximately 1977 or 1978. See also Exhibit F, Lincoln Processing Certificate of Incorporation; Exhibit G, Minutes of a Joint Special Meeting of Stockholders and Directors of Lincoln Processing Corp., Nov. 23, 1977.

Northern State Realty Corp., f/k/a/ Pufahl Realty Corp.:

Northern State Realty Corp., f/k/a/ Pufahl Realty Corp., is a dissolved corporation. Pufahl Realty Corp. was incorporated in February of 1965. See Exhibit H, Bylaws, Waiver of Notice of First Meeting of Directors of Pufahl Realty Corp., Minutes of First Meeting of Board of Directors of Pufahl Realty Corp, Feb. 15, 1965. Pufahl Realty Corp. changed its name to Northern State Realty Corp. in March of 1969. Exhibit I, Filing Receipt, New York Department of State, Mar. 25, 1969. Northern State Realty Corp. dissolved in approximately 1973. See Exhibit J, Minutes of a Joint Special Meeting of Stockholders and Directors of Northern State Realty Corp, Oct. 31, 1973.

Northern State Realty Co.:

Northern State Realty Co. is a dissolved partnership. Northern State Realty Co. was formed by the Pufahl Brothers in May of 1973. Exhibit K, Partnership Agreement, May 22, 1973; Exhibit L, Certificate of Doing Business Under Assumed Name, May 23, 1973. The Pufahl Brothers were the sole partners of Northern State Realty Co. until Herman Pufahl's death in 1995, at which time Marilyn Pufahl (Herman's widow) was substituted as a partner for Herman Pufahl. Exhibit M, Northern State Realty Co., Restated and Amended Partnership Agreement, Dec. 15, 1995. Northern State Realty Co. dissolved by operation of its partnership agreement in approximately 2000 upon the sale of its last real property, 710 Summa Avenue. Exhibit M, ¶ 15; see also Exhibit N, Closing Binder for 710 Summa Avenue, Westbury, NY.

Lincoln Laminating Corp.:

Lincoln Laminating Corp. is a dissolved corporation. It was incorporated in New York in approximately 1966. It is believed to have been dissolved in approximately 1977.

Laminar Fabrics Corp.

Laminar Fabrics Corp. is a dissolved corporation. Its date of incorporation is unknown. It was acquired by the Pufahl Brothers in 1963. It was dissolved in approximately 1969. Exhibit O, Lincoln Processing Corp. and Related Companies Financial Statements, Sept. 30, 1969, at Note 5.

JCH Machinery Corp.:

JCH Machinery Corp. is a dissolved corporation. It was incorporated in New York in approximately 1964. It is believed to have dissolved in approximately 1977.

3P's Leasing Corp.:

3P's Leasing Corp. is a dissolved corporation. It was incorporated in New York in approximately 1965. It is believed to have dissolved in approximately 1977.

Long Island Computer Services, Inc.

Long Island Computer Services, Inc. is a dissolved corporation. It was incorporated in New York in approximately 1968 or 1969. Its date of dissolution is unknown.

2. *Identify the address, Section, Block and Lot numbers, and the size of each property (hereinafter, "Property" or "Properties") that your Company either presently owns and/or formerly owned within the Site from the date your Company, or any related company had an ownership interest. (See Definitions section for terms.)*

**Response:**

2. Adchem objects to EPA's characterization of a lease as an "ownership interest".

Notwithstanding such objection, Adchem states that it does not currently own any Property within the Site. Adchem never owned any Property within the Site. At various times, Adchem leased all or portions of the following Properties within the Site:

- 625 Main Street (Block 180, Lots 40 & 42), approximately 22,000 square feet;
- 85 New York Avenue (a/k/a/ 90 Sylvester Street), (Block 180, Lot 126), approximately 10,000 square feet;
- 655 Main Street, (Block 181, Lot 30), approximately 30,000 square feet; (approximately 15,000 square feet of which is also known as 78 New York Avenue)
- 110 New York Avenue, (Block 181, Lot 78), size unknown; and
- 710 Summa Avenue, (Block 328, Lot 172), approximately 15,000 square feet.

In addition, from approximately late 1966 until approximately 1971 or 1972, the officers and directors of Adchem had offices at 89 Frost Street (Block 328, Lot 171) in the Site, and some office functions of Adchem were performed by office staff of Lincoln Processing at 89 Frost Street. Adchem reimbursed Lincoln Processing and/or Pufahl Realty Corp. for Adchem's use of office space and office staff at 89 Frost Street. At the time, the building at 89 Frost Street was approximately 55,000 square feet.

With respect to the Non-Adchem Entities identified in Adchem's response to Question 1, Northern State Realty Co. is the only entity that ever owned any Property within the Site. Northern State Realty Co. owned 710 Summa Avenue and the "Season Master Building" known as 717 Main Street, 765 Main Street, and/or 777 Main Street (Block 328, Lot 148). The Season Master Building was approximately 92,000 square feet.

Pufahl Realty Corp. (later known as Northern State Realty Corp.) never owned any Property within the Site, but leased all or portions of the following Properties within the Site:

- 625 Main Street (Block 180, Lots 40 & 42);
- 85 New York Avenue (a/k/a/ 90 Sylvester Street), (Block 180, Lot 126);
- 710 Summa Avenue, (Block 328, Lot 172); and
- 89 Frost Street (Block 328, Lot 171).

- The Season Master Building (Block 328, Lot 148)

In approximately 1973, Pufahl Realty Corp., then known as Northern State Realty Corp., assigned its leases for Properties within the Site to Northern State Realty Co. Northern State Realty Co. later purchased 710 Summa Ave. and the Season Master Building. Northern State Realty Co. is the only entity referred to in the answer to Question 2 that ever had any ownership interest in any Property within the Site.

- Lincoln Processing Corp. leased all or portions of 625 Main Street within the Site.

Lincoln Processing is believed to have subleased some or all of other Properties within the Site from Pufahl Realty Corp. (later known as Northern State Realty Corp.), including but not limited to:

- 85 New York Avenue;
- 710 Summa Avenue;
- 89 Frost Street; and
- The Season Master Building.

Lincoln Laminating is believed to have subleased some or all of the following Properties within the Site from Pufahl Realty Corp.:

- 710 Summa Avenue;
- 89 Frost Street; and
- The Season Master Building.

Laminar Fabrics leased 625 Main Street within the Site. It is believed that Laminar Fabrics later subleased some portion of 625 Main Street from Pufahl Realty Corp., and may have subleased 625 Main to Lincoln Processing Corp. from approximately 1963 to 1964.

JCH Machinery, 3P's Leasing Corp., and Long Island Computer Services, Inc. are believed to have subleased, at some period(s) in the 1960s/70s, some portion of 89 Frost Street and possibly 625 Main Street from Pufahl Realty Corp.

3. *For each Property identified in response to question 2. in which your Company has and/or had an ownership interest currently or in the past, please identify:*
  - a. *The date your Company acquired an ownership interest. An ownership interest includes, but is not limited to, fee owner, lessor or lessee, licensee and/or operator;*
  - b. *The name and address of all other current and/or previous owners;*
  - c. *All individuals or entities that have leased, subleased or otherwise operated at each Property at any time currently or in the past, and identify the dates (month and year) that each such individual or entity began and ended its leasehold interest or its operations;*
  - d. *Any portion of any Property which was transferred or sold, and the block and lot number, the date of the transfer or sale, the sale price and the entity that acquired the Property;*
  - e. *The relationship, if any, between your Company and each of the individuals and/or other entities identified as having leased or operated at each Property;*
  - f. *Your Company's involvement in all operations conducted by each lessee and/or other individual or entity identified in response to question 3c., above; and*
  - g. *For each Property, provide all documents relevant to your responses to questions 3a.- 3f., above, and provide copies, including, but not limited to, copies of surveys, title search documents, deeds, rent rolls, leases and correspondence.*

**Response:**

3. Adchem objects to EPA's characterization of a leasehold interest as an "ownership interest".

Adchem also objects to this request insofar as it seeks information that is privileged and/or not within Adchem's custody or control.

Subject to those objections, Adchem responds as follows:

- a. *The date your Company acquired an ownership interest*

625 Main Street

Adchem never acquired an ownership interest in 625 Main Street. Adchem was

assigned the lease for 625 Main Street in approximately September of 1975. See Exhibit P, Assignments of Leases. Prior to that date, Adchem subleased some or all of 625 Main Street from Northern State Realty Co. and Northern State Realty Corp. f/k/a/ Pufahl Realty Corp., beginning in approximately 1965. See Ex. Q, Leases dated June 1, 1971 between Northern State Realty Corp. and Adchem Corp. Adchem occupied 625 Main Street until approximately 2002, at which time the operations of Adchem at 625 Main Street were moved to 1852 Old Country Road, Riverhead, NY.

#### 85 New York Avenue

Adchem never acquired an ownership interest in 85 New York Avenue. Adchem was assigned the lease for 85 New York Avenue in approximately September of 1975. See Ex. P. Prior to that date, Adchem subleased some or all of 85 New York Avenue from Northern State Realty Co. and Northern State Realty Corp. f/k/a/ Pufahl Realty Corp., beginning in approximately 1965. See Ex. Q. Adchem occupied 85 New York Avenue until approximately 2000, at which time the operations of Adchem at 85 New York Avenue were moved to 1852 Old Country Road, Riverhead, NY.

#### 655 Main Street

Adchem never acquired an ownership interest in 655 Main Street. Adchem leased 655 Main Street in 1979. Adchem leased an additional portion of 655 Main, also known as 78 New York Avenue, in 1982. Adchem occupied 655 Main Street until approximately 2000, at which time the operations of Adchem at 655 Main Street were moved to 1852 Old Country Road, Riverhead, NY.

#### 110 New York Avenue

Adchem never acquired an ownership interest in 110 New York Avenue. Adchem leased 110 New York Avenue in 1978 from the Estate of Marvin Lindner. Adchem occupied 110 New York Avenue until 1995, at which time the operations of Adchem at 110 New York Avenue were moved to either 710 Summa Avenue or 1852 Old Country Road, Riverhead, NY.

#### 710 Summa Avenue

Adchem never acquired an ownership interest in 710 Summa Avenue. Adchem leased 710 Summa Avenue from Northern State Realty Co. in 1995. Adchem occupied 710 Summa Avenue until approximately 1999, at which time the operations of Adchem at 710 Summa Avenue were moved to either 625 Main Street or 1852 Old Country Road, Riverhead, NY. See Exhibit R, Lease between Northern State Realty Co. and Adchem Corp., dated June 20, 1995; Letter from Richard D. Anderson, Controller, Adchem Corp., to Northern State Realty, dated Nov. 26, 1997.

89 Frost Street

As stated above, Adchem never acquired any ownership interest in 89 Frost Street. Adchem never leased or conducted manufacturing at 89 Frost Street. The officers and directors of Adchem maintained office space at 89 Frost Street from approximately late 1966 until approximately 1971 or 1972. During the same time period, some office functions of Adchem were performed by staff of Lincoln Processing at 89 Frost Street. Adchem reimbursed Lincoln Processing and/or Pufahl Realty Corp./Northern State Realty Corp. for its use of office space and office staff at 89 Frost Street.

Season Master Building

Adchem never acquired any ownership interest in the Season Master Building. Adchem never leased, subleased, or operated at the Season Master Building.

- b. The name and address of all other current and/or previous owners
- c. All individuals or entities that have leased, subleased or otherwise operated at each Property at any time currently or in the past, and identify the dates (month and year) that each such individual or entity began and ended its leasehold interest or its operations.

**Response:**

Adchem Corp. again objects to the characterization of a lessee or sublessee as an “owner”. Subject to that objection, Adchem Corp. states the following:

625 Main Street

Laminar Fabrics Corporation, as tenant, leased 625 Main Street from Hauppauge Building Corporation, as landlord, on January 18, 1961. See Exhibit S.

Laminar Fabrics Corporation is a dissolved corporation and does not have an address.

Hauppauge Building Corporation (an entity owned and controlled by Jerry Spiegel and later by Spiegel Associates) owned 625 Main Street from at least 1961 until at least 2002. The address of Hauppauge Building Corporation is believed to be c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

On information and belief, at some time in 1963, Lincoln Processing subleased 625 Main Street from Laminar Fabrics. Lincoln Processing, as tenant, leased 625 Main Street from Hauppauge Building Corporation, as landlord, on May 22, 1964. See Ex. Q, p.AA00477. It is believed that, beginning in 1964, JCH Machinery subleased a portion of 625 Main Street from Lincoln Processing or

otherwise reimbursed Lincoln Processing for its use of 625 Main Street.

Lincoln Processing Corporation is a dissolved corporation and does not have an address. JCH Machinery Corp. is a dissolved corporation and does not have an address.

Pufahl Realty Corp., as tenant, was assigned Lincoln Processing's lease for 625 Main Street on March 2, 1965. See Ex. Q, p. AA00477. On information and belief, at some time in 1965 Adchem subleased a portion of 625 Main Street from Pufahl Realty Corp. On information and belief, Lincoln Processing subleased a portion of 625 Main Street from Pufahl Realty Corp. at some time in 1965. Lincoln Processing occupied a portion of 625 Main Street until approximately 1968 or 1969 (possibly as late as 1970 or 1971).

Pufahl Realty Corp. later changed its name to Northern State Realty Corp. and assigned its interest in the lease for 625 Main Street to Northern State Realty Co. at some time in 1973.

Northern State Realty Corp. (f/k/a/ Pufahl Realty Corp.) is a dissolved corporation and does not have an address.

Northern State Realty Co. is a dissolved partnership and does not have an address.

Adchem does not have information about the leasing or operation of 625 Main Street subsequent to 2002.

#### 85 New York Avenue

Jerry Spiegel and Bertha Spiegel owned 85 New York Avenue from at least 1965 until at least 2002. The owner of 85 New York Avenue after 2002 is unknown. The address used by Jerry Spiegel (who upon information and belief is deceased) and Bertha Spiegel is believed to be c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

Pufahl Realty Corp. leased 85 New York Avenue from Jerry Spiegel and Bertha Spiegel beginning February 17, 1965. See Ex. Q, p. AA00491. Upon information and belief, Pufahl Realty Corp. subleased 85 New York Avenue to Lincoln Processing Corp. at that time, and subleased portions of 85 New York Avenue to Adchem Corp. at a later date.

Lincoln Processing Corporation, Pufahl Realty Corp., and Northern State Realty Corp. are dissolved corporations and do not have an address. Pufahl Realty Corp. later changed its name to Northern State Realty Corp. and assigned its interest in the lease for 85 New York Avenue to Northern State Realty Co. at some time in 1973. Northern State Realty Co. is a dissolved partnership and does not have an address.

655 Main Street

Adchem does not have information on the past or present owners or lessees of 655 Main Street. Adchem has searched its files and has thus far failed to locate leases or other documents indicating the name of the owners of 655 Main Street.

110 New York Avenue

At the time Adchem leased 110 New York Avenue, 110 New York Avenue was owned by the Estate of Marvin Lindner. Adchem Corp. does not have information on the present owner(s) or the past or present lessees of 110 New York Avenue.

710 Summa Avenue

Pufahl Realty Corp. never acquired an ownership interest in 710 Summa Avenue. Pufahl Realty Corp. leased 710 Summa Avenue from Jerry Spiegel on January 18, 1966. See Exhibit T, Lease between Jerry Spiegel and Pufahl Realty Corp., Jan. 18, 1966.

The address of Jerry Spiegel was believed to have been c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

It is believed that Lincoln Laminating Corp. and/or Lincoln Processing Corp. subleased 710 Summa Avenue from Pufahl Realty Corp. (later Northern State Realty Corp.) from approximately late 1966 until approximately 1971. As stated above, Pufahl Realty Corp. changed its name to Northern State Realty Corp. in 1969.

As stated above, Northern State Realty Corp. (f/k/a/ Pufahl Realty Corp.), Lincoln Laminating Corp., Lincoln Processing Corp. are dissolved corporations and do not have an address.

Northern State Realty Corp. leased 710 Summa Avenue to an entity called Sew Simple, Inc. for a term commencing June 1, 1971, until May 30, 1978. Exhibit U, Lease between Northern State Realty Corp. and Sew Simple, Inc.

The address of Sew Simple, Inc. is unknown.

Northern State Realty Corp. assigned its interest in 710 Summa Avenue to Northern State Realty Co. in approximately May of 1973. See Ex. N at p. AA0238.

Northern State Realty Corp. or Northern State Realty Co. purchased 710 Summa Avenue from Jerry Spiegel in 1974. See Exhibit V, Agreement between Northern State Realty Corp. and Jerry Spiegel, dated Mar. 15, 1973.

Northern State Realty Co. is a dissolved partnership and does not have an address.

Northern State Realty Co., as landlord, leased 710 Summa Ave. to an entity called Eutectic Corp., as tenant, from June 15, 1978 to June 14, 1980. Exhibit W, Lease between Northern State Realty Co. and Eutectic Corp., dated June 14, 1978.

The last known address of Eutectic Corp. is 40-40 172<sup>nd</sup> Street, Flushing, NY 11358. Ex. W.

The occupancy of 710 Summa from June 1980 to September 1981 is unknown.

Northern State Realty Co., as landlord, leased 710 Summa Ave. to an entity called Sattlelight Products, Inc., from September 9, 1981 to March 8, 1983. Exhibit X, Lease between Northern State Realty Co. and Sattlelight Products, Inc., dated Sept. 4, 1981.

The last known address of Sattlelight Products is 117 State Street, Westbury, NY 11590. Ex. X.

The occupancy of 710 Summa from 1983 to 1986 is unknown.

Northern State Realty Co., as landlord, leased 710 Summa Ave. to an entity called Brooklyn 55 Realty Corp. as tenant and an entity called Arkwin Industries, Inc. as subtenant, from June 18, 1986 to June 30, 1994. Exhibit Y, various letters & Modification of Lease for 710 Summa Avenue.

710 Summa is believed to have been vacant between June 30, 1994 and 1995. See Ex. Y, p. AA03822.

As stated above, Adchem leased 710 Summa between approximately 1995 and 1999. Ex. R.

### 89 Frost

Pufahl Realty Corp. never acquired an ownership interest in 89 Frost Street. Pufahl Realty Corp. leased 89 Frost Street from Jerry Spiegel on April 1, 1966. Exhibit Z, Lease between Jerry Spiegel & Pufahl Realty Corp., dated Apr. 1, 1966, and attached documents.

Lincoln Processing Corp. never acquired an ownership interest in 89 Frost Street. It is believed that Lincoln Processing subleased 89 Frost Street from Pufahl Realty Corp. in approximately 1966. It is believed that JCH Machinery subleased a portion of 89 Frost Street from Pufahl Realty Corp. in approximately 1966. As stated above, Pufahl Realty Corp. changed its name to Northern State Realty Corp. in 1969.

As stated above, Lincoln Processing Corp., JCH Machinery Corp., and Northern State Realty Corp. (f/k/a/ Pufahl Realty Corp.) are dissolved corporations and do not have an address. At some point between 1966 and 1971, Long Island Computer Services Inc., 3P's Leasing, Lincoln Laminating Corp., and Valley Forge Beam are believed to have occupied 89 Frost. Each of these entities reimbursed Lincoln Processing and/or Pufahl Realty for their use of 89 Frost.

Northern State Realty Co. was assigned the April 1, 1966 lease for 89 Frost on May 21, 1973. Exhibit AA, Agreement between Northern State Realty Corp. and Northern State Realty Co., dated May 21, 1973.

Northern State Realty Co. is a dissolved partnership and does not have an address.

Northern State Realty Co. subleased 89 Frost Street to an entity called 89 Frost Street Leasing Corporation on May 22, 1973. Exhibit AB, Sublease between Northern State Realty Co. and 89 Frost Street Leasing Corp., dated May 22, 1973.

An entity called Marvex Processing and Finishing Corporation ("Marvex"), through its relationship to the entity called 89 Frost Street Leasing Corporation, operated at 89 Frost beginning on approximately June 1, 1973. It is not known whether Marvex subleased 89 Frost from 89 Frost Street Leasing Corporation. Beginning on approximately June 1, 1973, 89 Frost Street may also have been occupied by Truvex Machinery Corp. which, upon information and belief, was related to Marvex and 89 Frost Street Leasing Corporation. Exhibit AC, Guaranty Annexed to Lease dated May 22 1973 between Northern State Realty Corp. and 89 Frost Street Leasing Corp.; Rider to Lease dated May 22, 1973 between Northern State Realty Co. and 89 Frost Street Leasing Corp., at ¶ 11.

Upon information and belief, Marvex, Truvex Machinery Corp., and 89 Frost Street Leasing Corporation are dissolved corporations and do not have an address.

On May 30, 1976, following a fire that destroyed all or substantially all of the building at 89 Frost Street, Jerry Spiegel terminated the April 1, 1966 lease for 89 Frost Street. The 89 Frost Street building was rebuilt in approximately 1978 and leased by Jerry Spiegel to new tenants unrelated to Adchem or any of the Non-Adchem Entities. Exhibit AD, Letter from Jerry Spiegel to Northern State Realty Inc. [sic], dated June 23, 1976.

The address of Jerry Spiegel was believed to have been c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

The current owner of 89 Frost Street is Next Millennium Realty, LLC. The address of Next Millennium Realty is c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

### Season Master Building

Pufahl Realty Corp., as tenant, leased a portion of the Season Master Building from Jerry Spiegel, as landlord, on March 1, 1967 for a ten-year term. Exhibit AE, Lease between Jerry Spiegel and Pufahl Realty Corp., dated Mar. 1, 1967. Lincoln Processing and Lincoln Laminating subleased that portion of the Season Master Building from Pufahl Realty Corp. on March 1, 1967 for use as a warehouse. See Exhibit AF, Summary of Leases. In approximately 1973, Pufahl Realty Corp. (then known as Northern State Realty Corp.) assigned its interest in the Season Master Building lease to Northern State Realty Co.

Northern State Realty Corp., as tenant, leased the remaining portion of the Season Master Building from Designed Industrials, an entity owned and controlled by Jerry Spiegel, as landlord, in July 1972. That lease ran until April 30, 1974, and was assigned to Northern State Realty Co. in approximately 1973. See Exhibit AG, Agreement between Northern State Realty Co. and All-O-Matic Manufacturing Corp. dated Mar. 15, 1974.

Northern State Realty Corp., f/k/a/ Pufahl Realty Corp. is a dissolved corporation and does not have an address. Lincoln Processing and Lincoln Laminating are dissolved corporations and do not have addresses. Northern State Realty Co. is a dissolved partnership and does not have an address.

Jerry Spiegel's address was believed to have been c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753. Designed Industrials' address is believed to be c/o Spiegel Associates, 375 N. Broadway, Jericho, NY 11753.

Northern State Realty Corp. is believed to have leased a portion of the Season Master Building to All-O-Matic Manufacturing Corp. in April 1972 and again in April 1974. Ex. AG; see also Ex. AH, leases between Northern State Realty Co. and M. Fortunoff of Westbury Corp. This lease is believed to have been assigned to Northern State Realty Co. in approximately 1973.

Northern State Realty Corp. leased the remainder of the Season Master Building to an entity called M. Fortunoff of Westbury Corp. ("Fortunoff") in April 1972. Ex. AH. Northern State Realty Co. was subsequently assigned Northern State Realty Corp.'s interest in the Season Master Building. Northern State Realty Co. leased the entirety of the Season Master Building to Fortunoff in October 1976, for a term to end in 1983. Exhibit AH. Fortunoff purchased the Season Master Building in the late 1980s. Adchem Corp. has no information about the ownership or occupancy of the Season Master Building subsequent to that time.

- d. Any portion of any Property which was transferred or sold, and the block and lot number, the date of the transfer or sale, the sale price and the entity that acquired the

Property:

**Response:**

625 Main Street

Adchem has no information regarding the transfer or sale of 625 Main Street.

85 New York Avenue

Adchem has no information regarding the transfer or sale of 85 New York Ave.

655 Main Street

Adchem has no information regarding the transfer or sale of 655 Main Street.

110 New York Avenue

Adchem has no information regarding the transfer or sale of 110 New York Ave.

710 Summa Avenue

Northern State Realty Corp. or Northern State Realty Co. purchased 710 Summa Avenue for \$140,000 in approximately January of 1974. See Ex. V.

Northern State Realty Co. sold 710 Summa Avenue to an entity called Brooklyn 55 Realty Corp. (an affiliate of Arkwin Industries) in June of 2000. The last known address of Brooklyn 55 Realty Corp. is 686 Main Street, Westbury, NY 11590. The sale price was \$700,000. See Ex. N.

89 Frost

Adchem has no firsthand knowledge regarding the transfer or sale of 89 Frost Street. A portion of Spiegel Associates' response to interrogatories in Next Millennium Realty, LLC v. Adchem Corp., 03-cv-5986 (E.D.N.Y.) that details the transfers and sales of 89 Frost Street subsequent to 1978 is attached as Exhibit AI.

Season Master Building

Northern State Realty Corp. or Northern State Realty Co. purchased the Season Master Building in approximately December of 1973 for \$835,000. Exhibit AJ, Agreement between Jerry Spiegel and Northern State Realty Corp. dated Mar. 15, 1973.

Northern State Realty Co. sold the Season Master Building at some time in the late 1980s. The sale price and purchaser are currently unknown to Adchem.

- e. The relationship, if any, between your Company and each of the individuals and/or other entities identified as having leased or operated at each Property;

**Response:**

As stated above in response to Question 1, the original shareholders and directors of Adchem had interests in several entities identified as having leased or operated at certain Properties within the Site. Where Adchem also had a business relationship with those same entities, that relationship was conducted at arm's-length. Specifically, Adchem sold adhesives to Lincoln Processing and leased or subleased space from Pufahl Realty Corp. (later Northern State Realty Corp.) and Northern State Realty Co.

Adchem had a landlord/tenant relationship with Hauppauge Building Corp. (at 625 Main Street), Jerry Spiegel and Bertha Spiegel (at 85 New York Avenue), Northern State Realty Co. (at 710 Summa Avenue), and the landlords for 655 Main Street and 110 New York Avenue.

Adchem had no relationship with the following entities identified in response to Questions 2. and 3a.-3d. above:

- Sew Simple, Inc.
- Eutectic Corp.
- Sattlelight Corp.
- Brooklyn 55 Realty Corp.
- Arkwin Inc.
- Marvex
- 89 Frost Street Leasing Corp.
- Truvex Machinery Corp.
- Fortunoff
- All-O-Matic Manufacturing Corp.

Non-Adchem Entities

As stated above, Pufahl Realty Corp. (later Northern State Realty Corp.) and Northern State Realty Co. had a landlord-tenant relationship with various entities.

As stated above, Lincoln Processing purchased adhesives from Adchem, had a landlord-tenant relationship with Jerry Spiegel, Hauppauge Building Corp., and Pufahl Realty Corp. (later Northern State Realty Corp.), and possibly Laminar Fabrics Corp.. Lincoln Processing sold a "Tenter Frame, Over and Folder, High Pressure Steam Boiler, and Pernick Slitter" to Truvex Machinery Corp. Ex. AK, Bill of Sale dated June 8, 1973.

From approximately 1964 to approximately 1971 or 1972, JCH Machinery provided routine assembly of and mechanical repair and maintenance services to machinery at 625 Main and 89 Frost. See id.

- f. Your Company's involvement in all operations conducted by each lessee and/or other individual or entity identified in response to question 3c., above; and

**Response:**

With the exception of the sale of adhesives to Lincoln Processing for use at 89 Frost Street and 625 Main Street, described further in response to Question 3e., above and Question 5, below, Adchem had no involvement in operations conducted by any lessee, individual, or entity identified in response to Question 3c., above.

Non-Adchem Entities

See the response to Question 3e., above.

- g. For each Property, provide all documents relevant to your responses to questions 3a.-3f., above, and provide copies, including, but not limited to, copies of surveys, title search documents, deeds, rent rolls, leases and correspondence.

**Response:**

Adchem objects to this request as overbroad and unduly burdensome. Subject to this objection, Adchem has cited to specific documents used to prepare the responses to Questions 3a. – 3f. above. All such documents are attached as exhibits and identified in the responses to Questions 3a. – 3f above.

4. *Provide copies of all maps, building plans, floor plans and/or drawings for each Property identified in response to question 2., above. Your response to this question should include, but not be limited to, providing plumbing and drainage system plans for all structures on each Property.*

*For both current (if still in operation) and past operations during the period of time that the Company was at a Property, please identify and provide a description of the following:*

- a. *all surface structures and features (e.g., buildings, above-ground storage tanks, paved, unpaved areas and parking lots, and dates when paved areas were paved);*
- b. *all past and present plumbing systems, above and below-ground discharge piping, sumps, storm water drainage systems, sanitary sewer systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks ; and*
- c. *all currently existing and previously existing chemical and industrial hazardous substance storage, transfer, spill and disposal areas.*

***Response:***

4. Copies of maps, building plans, floor plans, and/or drawings for each Property are attached when available to Adchem. Adchem reserves the right to supplement this response should additional such documents be located in the future. Note that, with the exception of the diagrams for 710 Summa Avenue and the Season Master Building, which were obtained from the records of Northern State Realty Company, these documents were obtained from the Plaintiffs during the course of discovery in the case of Next Millennium Realty, LLC v. Adchem Corp., 03-cv-5985 (E.D.N.Y.).
- a. See the below-referenced attached documentation for locations of surface structures and features on each Property.
  - b. See the below-referenced attached documentation for locations, where known, of past and plumbing systems, above and below-ground discharge piping, pumps, storm water drainage systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks. Adchem has no knowledge regarding locations of currently existing plumbing systems, above and below-ground discharge piping, pumps, storm water drainage systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks.
  - c. Adchem has no knowledge regarding currently existing locations of chemical and industrial hazardous substance storage, transfer, spill and disposal areas at any

Property in the Site. See the below-referenced attached documentation for previously existing locations of chemical and industrial hazardous substance storage, transfer, spill and disposal areas, where known, at any Property in the Site.

625 Main, 85 New York Ave, and (where available) 655 Main Street – Exhibit AL  
710 Summa: Exhibit AM; see also Exhibit N, p. AA00266.

At this time, Adchem Corp. has no maps, building plans, floor plans or drawings for 110 New York Avenue.

Non-Adchem locations:

89 Frost: Exhibit AN. Note that this appears to be a blueprint of the 1978 reconstruction of 89 Frost, not the 1966 building at 89 Frost. See also Exhibit AL, a 1995 survey of 89 Frost Street. Season Master – Exhibit AO.

5. *For each Property identified in question 2., above, at which your Company conducted operations, describe in detail the manufacturing processes and/or other operations that your Company conducted at the Property, and identify the years during which your Company conducted operations there. If those operations were not constant throughout your Company's operations, describe the nature of all changes in operations, and state the year of each change. If detailed information about your Company's operations is not available, provide, at a minimum, a general description of the nature of your Company's business at the Property, the years of operation, the type of work your Company conducted, and the number of employees for all the operations.*

**Response:**

5. Adchem manufactures adhesive films, adhesive tape, and custom coatings. Adchem began manufacturing adhesives at 625 Main Street and 85 New York Avenue in 1965. Around 1966 or 1967 the company began to make pressure-sensitive adhesives on paper-backed laminates. At that time, tape manufacturing took place at 625 Main Street, and 85 New York Avenue was used for paper storage and chemical storage, mixing and compounding.

From approximately 1965 until 1999 or 2000, Adchem performed its coating operations, whereby adhesives are applied to a backing, at 625 Main Street. Adchem used various coating methods to apply solvent-based acrylic and rubber adhesives to a substrate, which then passed through a gas-fired oven with multiple temperature zones of increasing temperatures (up to approximately 200-250 degrees F) to drive off the solvent. The exhaust air and volatilized solvent was recirculated through burners and returned to the coating oven to conserve fuel. Adchem would sometimes use a corona treater for treating polyolefin. The exhaust from the corona treater, which would have included ozone, was also recirculated through the coating oven. Additional coating ovens used steam heat as well as gas. Adchem also used a hot-melt coater beginning in 1979. The hot-melt materials are 100% solids and are liquefied via the application of heat before being coated on to the substrate.

Adchem installed incinerators in the mid-1980s and early 1990s for control of air emissions at 625 Main Street. Adchem also installed an activated carbon treatment system to reduce odors in the mid-1990s.

Adchem also performed slitting operations, whereby large rolls of finished tape are cut into thinner rolls, at that location until approximately late 1979. Slitting operations were also performed at Adchem's 655 Main Street location from approximately late 1979 until 1999. Adchem also used 655 Main Street for storage of dry products, administrative functions, and a machine shop. Adchem used 110 New York Avenue to store paper and plastic feedstock from approximately 1978 to 1995. Adchem used 710 Summa Avenue

by Adchem as a warehouse and R&D facility from June 1995 to approximately 1999. R&D was also performed at 625 Main prior to 1995; Adchem's R&D department maintained some offices at 625 Main between approximately 1999 and 2002, but by that time the R&D laboratory had been moved to Riverhead.

All storage of raw materials, adhesives, chemicals, and wastes held prior to disposal was done at the 85 New York Avenue location until approximately 1999. Adchem did a small amount of mixing at 625 Main Street, and the balance of all mixing was performed at 85 New York Avenue from approximately 1967 to 1999.

In approximately 1999 or 2000 (exact dates varied by location and function) Adchem transferred all of its operations except R&D to Riverhead. All of Adchem's manufacturing operations were transferred to Riverhead in 1999. All of Adchem's office functions were moved to Riverhead in 2000. Adchem's research and development processes moved to Riverhead in 2000, but some offices of the R&D department remained at 625 Main until 2002, after which time Adchem had no remaining presence in Westbury.

Adchem's product line has changed and expanded with time but the general industrial process and the nature of its chemical usage have remained essentially the same throughout its operational history. Adchem's process chemicals consist of adhesives, synthetic rubber, acrylic resins, and solvents (toluene, hexane, heptane, acetone, methyl ethyl ketone, ethyl acetate, vinyl acetate, xylene, and isopropanol).

Adchem has not used halogenated VOCs because its process ovens would transform halogenated VOCs into acid degradation products (predominantly hydrochloric acid) which would cause equipment corrosion. While Adchem's corona treater was in use, the presence of ozone in the recirculated air also had the potential to convert chlorinated VOCs into phosgene gas, which is deadly to humans if inhaled.

See generally Exhibit AP, Eder Associates: Site Investigation Report, Adchem Corporation, Oct. 1991; Exhibit AQ, previous Adchem responses to DEC.

Some information about the operations of additional non-Adchem tenants may be found at pages 2-5 (Bates range A01771-74) of Exhibit AP.

Adchem closed 85 New York Avenue and 625 Main in accordance with a state-approved RCRA Closure Plan in 2000 and 2002, respectively. Exhibit AR, RCRA Closure Documents.

From approximately 1966 until approximately June 1, 1972, Adchem supplied water-based acrylic and latex adhesives for sale to Lincoln Processing. Adchem mixed these adhesives in drums or totes at 85 New York Avenue, and the mixed adhesives were

transported by forklift to Lincoln Processing's product lines at 625 Main Street or 89 Frost Street until approximately 1971 or 1972. In 1971 or 1972, Lincoln Processing had moved its operations to 141 East Suffolk Avenue in Central Islip; between that time and approximately 1977, when Lincoln Processing dissolved, Adchem continued to sell adhesives to Lincoln Processing. At this time, the mixed adhesives were transported to Central Islip by truck.

By the early 1970s, Adchem had approximately 30 to 50 employees, including all of its operations in Westbury. The number of Adchem's employees gradually increased through the mid-to-late 1980s, at which point Adchem had approximately 80-100 employees in Westbury. After that time, the number of Adchem employees in Westbury gradually decreased as operations were moved to Adchem's facility in Riverhead.

### Non-Adchem Entities

From approximately 1963 until approximately 1968 (and perhaps as late as 1970 or 1971), Lincoln Processing conducted commission bonding and laminating of fabrics at 625 Main Street. From approximately late 1966 until 1971 or 1972, Lincoln Processing also bonded and laminated fabrics at 89 Frost Street. Lincoln Processing used a water-based adhesive to bond customers' cloth piece goods to urethane foam or to an acetate tricot or nylon tricot. The material was processed on one of two custom-built machines, which consisted of a gravure system of applying the adhesive to the customer's fabric and immediately nipping the tricot or foam to the face material. On one machine, the material then went into a series of steam-heated drying drums in a serpentine manner, with gas burners underneath. The steam-heated drums and the gas burners drove off the water and cured the adhesive, and the adhesive then bonded the fabric and backing material together. On the other machine, the fabric came out of the laminating nip and went between two heavy steel endless belts that were heated by open gas burners from underneath. The bonded fabric then went into a direct-fired gas oven where it was further dried.

From approximately late 1966 until 1967 or 1968, Lincoln Laminating conducted fabric laminating operations at 710 Summa. Lincoln Laminating later conducted the same operations at 89 Frost Street until approximately 1971 or 1972. In Lincoln Laminating's operations, the surface of a urethane foam was melted and laminated to a fabric backing. Exhibit AS, Adchem Corp. et al.'s Supplemental Response to Interrogatories, Next Millennium v. Adchem Corp., 03-cv-5985 (E.D.N.Y.).

From approximately 1964 to approximately 1971 or 1972, JCH Machinery provided routine assembly of and mechanical repair and maintenance services to machinery at 625 Main and 89 Frost. See id.

Between approximately 1967 and 1972, Lincoln Processing and Lincoln Laminating used the Season Master Building as a fabric storage warehouse. 85 New York Avenue was also used as a fabric storage warehouse by Lincoln Processing and Lincoln Laminating from approximately 1964 or 1965 until 1966 or 1967. Lincoln Processing and Lincoln Laminating also used 710 Summa Avenue as a fabric storage warehouse in the late 1960s (exact dates are unknown).

The operations of the tenants of Northern State Realty Co. at the Season Master Building are unknown. Exhibit AT, a 1994 Phase II investigation report of 710 Summa Avenue performed by Eder Associates, contains some basic information about the operations of the tenants of Northern State Realty Co. at 710 Summa Avenue.

6. *With respect to industrial wastes at a Property:*
- a. *List all industrial wastes that were used, stored, generated, handled or received by your Company at the Property. Your response to this question should include, but not be limited to, use, storage, generation and/or handling of trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), 1,1,1-trichloroethane ("1,1,1-TCA") and other chlorinated or non-chlorinated solvents. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content;*
  - b. *State when each industrial waste identified in your response to question 6a., above, was used, stored, generated, handled or received, and state the volume of each industrial waste used, stored, generated and/or handled on an annual basis; and*
  - c. *Describe the activity or activities in which each industrial waste identified in your response to question 6a., above, was used, stored, handled or received.*

***Response:***

6. Adchem objects to this request as overbroad and unduly burdensome. Adchem generated wastes at the 625 Main Street and 85 New York Avenue locations as a result of Adchem's adhesive tape coating and mixing operations. These wastes consisted of obsolete solvent-containing raw materials,<sup>1</sup> residues from the clean-up of adhesives in the coating process, cleaning rags and filters. Some of these wastes were distilled into liquids (for reuse), and the wastes that could not be re-used were transported off site by a registered waste hauler. Adchem's use of solvent recovery stills began in approximately the early 1980s. Subsequent to that time, the Adchem operations generated approximately two to three 55-gallon drums of waste per month which were shipped off-site by a registered waste hauler for disposal by incineration or for use as a fuel supplement. Since the RCRA regulations were promulgated in 1980, these wastes have been manifested in accordance with State and Federal regulations. Prior to that time, cleaning solvents, rags and the like were put into drums and either vacuumed out into tank trucks or left in drums, and hauled away to treatment, storage and disposal companies for proper disposal. There is no documented on-site waste disposal by Adchem. Adchem did not generate industrial wastewater, and there are no reported past or present wastewater discharges at any of Adchem's facilities within the Site. See Ex. AP at pp. 4-5 (A01773-74); Exhibit AQ at pp. 3-4; see also Exhibit AU, Adchem Waste

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<sup>1</sup> As stated above in the response to question 4., these solvents consisted primarily of toluene, methyl ethyl ketone, ethyl acetate, isopropanol, hexane, heptane, and vinyl acetate.

Manifests.<sup>2</sup>

Adchem's 1981 application to New York State for a Part 360 Permit to store hazardous waste (as a replacement to its SPDES hold and haul permit) is attached as Exhibit AV. Exhibit AV also includes a 4/9/1981 inspection report and 7/27/1977 survey of 625 Main Street. This application – which predates Adchem's installation of a solvent recovery still – states that, as of June 18, 1981, Adchem generated approximately 4 drums of industrial waste per month, and that that waste consisted of “a mixture of solvents (primarily toluene, MEK hexane, & eth[y]l acetate) along with various rubber and acrylic resins[,] also some dry waste in the form of rags, plastic drum liners, etc.” Ex. AV at p.2 (Bates # SFSP Response 13 010070). The 1981 application also notes that Adchem's operations do not involve any proposed or existing discharge of industrial or other [non-sanitary] wastes to groundwaters. Ex. AV at p.5 (Bates # SFSP Response 13 010073).

Exhibit AV also includes a report of an April 9, 1981 inspection of 625 Main Street by the Nassau County Health Department. The April 9, 1981 inspection report states that solvent wastes were, at the time, being removed by two waste haulers. It also notes that, while one coating press utilized non-contact cooling water, that water was recirculated in a closed-loop system and there was “no industrial discharge to ground.” Ex. AV at p.9 (Bates # SFSP Response 13 010077).

The July 27, 1977 survey (pages 10-11 of Exhibit AV, Bates range SFSP Response 13 010078-79) covers both 625 Main Street and 85 New York Avenue. This survey states Adchem's approximate average annual usage of certain specific chemicals as follows:

Natural & Acrylic Latex, thickening acrylates	100,000 lbs.
Acrylic resins	40-50,000 lbs.
Rubbers	100,000 lbs.
Hydrocarbon resins	100,000 lbs.
Heptane	30-39,000 lbs.
Hexane	30-39,000 lbs.
Ethyl Acetate	30-39,000 lbs.
Isopropanol	30-39,000 lbs.
Toluene	30-39,000 lbs.
Methyl Ethyl Ketone [MEK]	30-39,000 lbs.

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<sup>2</sup> Please note that those manifests for which the indicated generator is an entity other than Adchem include wastes collected from Adchem as well as other unrelated sources and combined by the treatment, storage and disposal companies. In addition, Adchem maintains thousands of pages of Material Safety Data Sheets (“MSDS”) at its principal place of business. However, Adchem has no means of correlating an individual or group of waste manifests to individual MSDS's. Reference is made to the other exhibits produced herewith for identification of the chemical constituents of those wastes transported for disposal from Adchem's facilities.

Adchem Corp. has also located a letter sent to EPA on September 26, 1985 regarding its generation and disposal of hazardous waste between 1973 and 1985. This letter is attached as Exhibit AS. According to this letter, the total amount of hazardous waste generated by Adchem between 1973 and 1981 was 11,181 gallons. The letter also states that between 1973 and 1983, Adchem's hazardous wastes were "accumulated for several years before being disposed of" and "were stored and held to haul at our adjacent building at 85 New York Ave. until shipments were made." Ex. AS at pp. 1-2 (Bates range AA05030-31).

Adchem has never used, stored, generated, handled, or received chlorinated solvents such as trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), or 1,1,1-trichloroethane ("1,1,1-TCA"). As stated above, Adchem's process ovens would transform chlorinated solvents into acid degradation products, predominantly hydrochloric acid, which would cause equipment corrosion.

Adchem's operations at 110 New York Avenue did not involve the use, storage, generation, handling, or receipt of industrial wastes.

Adchem's operations at 655 Main Street included the use of slitting equipment, which had rolls that would occasionally need to be cleaned. Adchem employees would use a small container of the same solvents used in mixing adhesives to clean the machinery; the rags used in cleaning and any leftover solvents would be drummed and brought to 85 New York Avenue for storage prior to disposal. The cleaning operations at 655 Main Street would generate approximately 1 drum of waste every 4-6 months.

Adchem's R&D operations at 710 Summa Avenue between approximately 1995 and 1999 would generate a small amount of waste solvents of the same type used in mixing adhesives. The waste solvents generated at 710 Summa Avenue would be drummed and brought to 85 New York Avenue for storage prior to disposal. The R&D operations at 710 Summa Avenue would generate approximately 1 drum of waste every 3 months.

As stated above, from late 1966 until approximately 1971 or 1972, Adchem's officers maintained some offices at 89 Frost and utilized office facilities and personnel of Lincoln Processing at 89 Frost Street. Adchem did not use, store, generate, handle, or receive any industrial wastes at 89 Frost Street.

#### Non-Adchem Entities

During Lincoln Processing's operations at 625 Main Street and 89 Frost Street, the water-based adhesive would initially have contained very small amounts of ammonium hydroxide, which would evaporate upon exposure to heat and harmlessly dissipate. A

very small amount of melamine formaldehyde would also have been present in the adhesive paste. The formaldehyde vaporized into air, and harmlessly dissipated.

The gravure roll used to apply water-based adhesive to fabric and the laminating nip would be cleaned using water and metal brushes. Waste consisted of the acrylic or latex emulsion, water, and pieces of fabric or foam that picked off on the gravure roll.

Deposition testimony in the ongoing case of Next Millennium Realty, LLC, et ano. v. Adchem Corp. et al., 03-cv-5985 (E.D.N.Y.) suggests that methyl ethyl ketone may sometimes have been used to clean the gravure roll used by Lincoln, but this testimony is contradicted by other fact and expert testimony stating that water and mechanical abrasion (scrubbing) would have been sufficient to clean up the adhesive. The deposition testimony of certain former employees alleges that Lincoln Processing had a dry cleaning machine at 89 Frost Street that used perchloroethylene and was used to test strips of bonded fabric as a quality control measure; this testimony, too, is contradicted by other fact and expert witnesses and documents, and has no support in the documents exchanged to date.

Lincoln Laminating's operations at 710 Summa Avenue would not generate "industrial waste" as defined above.

Upon information and belief, Laminar Fabrics Corp.'s operations at 625 Main Street, the details of which are not known, would not have involved the use, storage, generation, handling, or receipt of industrial wastes.

Upon information and belief, JCH Machinery Corp.'s operations at 625 Main Street and/or 89 Frost Street, the details of which are not known, would not have involved the use, storage, generation, handling, or receipt of industrial wastes.

The operations of Pufahl Realty Corp., Northern State Realty Corp., Northern State Realty Co., 3P's Leasing Corp., and Long Island Computer Services, Inc. did not involve the use, storage, generation, handling, or receipt of industrial wastes.

7. Describe in detail how and where the industrial wastes identified in response to question 6., above, were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis. For those time periods when a precise quantity is not available, provide an estimate.

**Response:**

7. With respect to Adchem's industrial wastes, see the above response to Question 6 for their disposition and for estimated quantities disposed of on an annual basis; see also Exs. AP, AQ, AU, AV, AW.

Non-Adchem Entities:

With respect to cleanup of Lincoln Processing's adhesives, it is believed that the water and adhesive was directed into floor drains at 89 Frost. Any MEK allegedly used to clean adhesive from Lincoln Processing's machinery – if this was in fact done (see Response to Question 6, above) – would also have been directed into floor drains. It is unknown whether floor drains were present at 625 Main Street; if not, the water and adhesive would have been mopped up and disposed of with regular trash. While Adchem has no knowledge of any dry cleaning operations at 89 Frost Street by Lincoln Processing, and believes that no such operations took place, the disposal of any perchloroethylene allegedly used in the dry cleaning machine that was allegedly present at 89 Frost Street (see Response to Question 6, above) is unknown to Adchem.

8. *Describe in detail any knowledge your Company has about intentional or unintentional disposal of industrial wastes at each Property identified in response to question 2., above, including, but not limited to, TCE, PCE and/or other chlorinated or non-chlorinated solvents or wastes containing such solvents, at any time currently or in the past. Your response should include instances in which industrial wastes were spilled or otherwise disposed onto or into the floors or the ground from septic systems, pipes, drains, drums, tanks, or by any other means. Provide copies of all documents relevant to your response.*

***Response:***

8. On July 31, 1983, a fire occurred in an open area at the west side of the 85 New York Avenue property, which at the time was being used by Adchem for the storage of raw materials. During the firefighting efforts, some chemicals (the same chemicals used by Adchem as raw materials) entered a storm sewer that drains into Nassau County Storm Basin # 51. Soil was excavated from the sump and at the site of the fire by Marine Pollution Control and Chemical Pollution Control, Inc. The cleanup was overseen by the Nassau County Department of Health, whose follow-up memorandum reports that “there appears to have been no significant damage to the environment, no significant spread of contamination beyond the top layer of soil in the recharge basin, and an effective cleanup has been accomplished.” This memorandum and additional documentation regarding the 1983 fire are attached as Exhibit AY. Manifests and some additional documentation relating to the cleanup are included as part of Exhibit AU.

Non-Adchem Entities:

As described further below in response to Question 13, Marvex operated a continuous closed-loop dry cleaning machine at 89 Frost Street. This machine used PCE. Adchem does not currently have information regarding intentional disposal of PCE by Marvex. However, on May 30, 1976, 89 Frost Street burned to the ground, and the continuous dry cleaning machine used by Marvex was destroyed. It is believed that this caused an unintentional release of PCE to the ground via the floor drains and septic system at 89 Frost Street.

9. *Identify all leaks, spills, or releases of any kind of any industrial wastes (including, but not limited to, TCE and PCE or other chlorinated or non-chlorinated solvents or wastes containing such solvents) into the environment that have occurred, or may have occurred, at or from the Property, including any leaks or releases from drums and other containers. Provide copies of all documents relevant to your response.*

**Response:**

9. See response to Question 8 and the documents cited therein regarding any leaks, spills or releases of any kind of any industrial waste that are known to Adchem.
10. *Explain whether any repairs or construction were implemented to address any leaks, spills, releases or threats of releases of any kind, the nature of the work and the dates of any such work. Provide copies of all analyses, characterizations, environmental assessments or studies or any report or other description of any investigations, removal actions, remedial activities, or any other work conducted by your Company or by any other party on your Company's behalf relating to industrial wastes released at or from the Property and/or the Site. If any copies of the records requested in this question are available electronically, kindly submit your answer to this question on a disk.*

**Response:**

10. See Adchem's response to Question 8 regarding Adchem's measures taken to address the 1983 fire. Subsequent to the 1983 fire, Adchem stored flammable raw materials inside the building at 85 New York Avenue.

See also Exhibit AP for an environmental assessment of the Properties at which Adchem operated in the Site. Exhibit AP was the basis of the New York State Department of Environmental Conservation ("NYSDEC")'s decision to remove the locations at which Adchem operated from the New York State Registry of Inactive Hazardous Waste Disposal Sites in 1992. See Exhibit AZ, Letter from Earl Barcomb, NYSDEC, to Adchem c/o Nicholas Andrianas, Eder Associates, 1992.

See also Exhibits AR, AT.

11. *Provide copies of all insurance policies held and indemnification agreements entered into by the Company which may potentially indemnify the Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Property. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those that were in effect during any portion of the time the Company conducted operations at, or held a property interest at the NCIA. Your response should also identify the specific Property related to each policy and/or agreement.*

11. See Exhibit BA, Adchem insurance documentation. Adchem also states that it has entered into a confidential agreement with an insurer regarding the existence of certain insurance policies with policy periods 3/16/1973 to 3/16/1978.

12. *State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, generation, disposal of or handling of industrial wastes at the Site, the transportation of such materials to the Site, or the identity of any companies whose material was treated or disposed of at the Site.*

**Response:**

12. Adchem objects to this request as overbroad and unduly burdensome. Adchem at various points has had dozens if not hundreds of employees who could have some knowledge or information regarding the use etc. of industrial wastes at the Site. Lincoln Processing at various points had hundreds of employees who could have some knowledge or information regarding the use etc. of industrial wastes at the Site. Subject to this objection, Adchem identifies the following individuals:

John Pufahl, 1852 Old Country Road, Riverhead, NY 11901; (631) 727-2000

Charles Pufahl, P.O. Box 592, Manchester, VT 05254; (802) 362-3215

Various former Adchem employees

Various former Lincoln Processing employees

Fred Margolin, (former president/owner, Marvex Processing & Finishing), 32 Livingston Street, Huntington Station, NY 11746; (631) 385-8840.

Dieter Kannapin (former plant manager, Marvex Processing & Finishing), c/o Rochambeau Wines & Liquors, 389 Broadway, Dobbs Ferry, NY 10522; (914) 693-0034.

13. *If you have information or documents which may help EPA identify other companies that conducted operations, owned property, or were responsible for the handling, use, storage, treatment, or disposal of industrial wastes that potentially contributed to chlorinated solvent contamination at the Site, please provide that information and those documents, and identify the source(s) of your information.*

13. See Table 1 to Exhibit AP (Bates page A01799), for a list of facility occupants in the NCIA as of approximately 1991.

Beginning on approximately June 1, 1973, Marvex began operating at 89 Frost Street. Marvex was in the business of knitting fabrics, dry-cleaning the knit fabrics, and putting the knit fabrics through an oven to heat-set the fabric. Marvex used a continuous closed-loop dry cleaning machine to dry-clean its knit fabrics with PCE. Ex. AQ at p. 9. On May 30, 1976, 89 Frost Street was destroyed in a fire. Exhibit BB, Newspaper Articles (various dates) re: May 30, 1976 fire. The fire also destroyed Marvex's machinery, including the continuous dry-cleaner. On information and belief, when Marvex's dry-cleaning machine was destroyed in the fire, the reservoir of PCE contained in the machine, as well as any PCE being stored in drums or otherwise at 89 Frost Street, was released to the ground via the building's floor drains.

Marvex's foreman, Barney Ferrante, was convicted of arson in relation to the fire at 89 Frost Street. Marvex's president and owner, Fred Margolin, was charged with grand larceny, presenting a false insurance claim, falsifying business records, and tampering with a witness; Mr. Margolin plead guilty to grand larceny. Marvex's plant manager, Dieter Kannapin, plead guilty to perjury. Ex. BA; see also Exhibit BC, various documents obtained from Nassau County Clerk's Office re: Marvex principals.

Upon information and belief, an entity called Kleartone, Inc. subleased a "solvent storage area" at 101 Frost Street in the Site. See Deposition of Joseph Heaney, pages 204-206, attached as Exhibit BD. A 1991 Phase I report on 101 Frost Street (obtained in discovery in Next Millennium v. Adchem) notes the existence of "a small, vault type room which is typical of the type of room used for the storage of hazardous materials." Exhibit BE, Richard D. Galli, P.E., P.C., Phase I Environmental Audit, 101 Frost Street, Dec. 1991, at p. 10 (Bates # Anson 000064). Exhibit BE also reports that the storage room contained "a small concrete patch in the floor ... possibly a closed floor drain). Ex. BE at p. 7 (Bates # Anson 000061). Adchem does not know if any Kleartone solvents were spilled or otherwise released through the floor drain in the solvent storage room at 101 Frost.

14. *Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether each such person has personal knowledge of the answers provided.*

14. Adchem objects to this request insofar as it seeks privileged attorney-client communications. Subject to that objection, Adchem states that John Pufahl assisted in the preparation of this response. The documents being produced herewith as exhibits are the source of the majority of the information contained in this Response.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of NEW YORK

County of SUFFOLK

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information regarding the New Cassel/Hicksville Site) and all documents submitted herewith, and that I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that I am under a continuing obligation to supplement my response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or my response thereto should become known or available to me.

JOHN PUF AHL

NAME (print or type)

PRESIDENT AOCHEM CORPORATION

TITLE (print or type)

[Handwritten Signature]

SIGNATURE

Sworn to before me this

27 day of Sept., 2013

[Handwritten Signature]  
Notary Public

